

U.S. Patent Application Serial No. 10/534,712  
Amendment filed January 31, 2008  
Reply to OA dated November 1, 2007

### **REMARKS**

Claims 1 - 9 are currently pending in this patent application, claims 1 and 9 being independent claims.

Claims 1 and 3 - 8 have been amended, and claim 9 has been added in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. It is believed that this Amendment is fully responsive to the Office Action dated November 1, 2007.

As to the merit of this case, claims 1 - 8 are rejected under 35 U.S.C. §102(b) as being anticipated by Boys (US 2001/0001303 A1). The applicants respectfully request reconsideration of this rejection.

The applicants' instant invention is a contents reproducing apparatus with telephone function (10) that includes an Internet radio receiver and an IP telephone. A communication connector (12) is connected to a telephone line modem. The communication connector (12) is in turn connected to a main CPU (16) via a LAN controller (14). When the contents reproducing apparatus (10) functions as the Internet radio receiver, the main CPU (16) effectively a radio. In

the radio mode, the main CPU (16) fetches streaming data including broadcasting contents from radio packet signals being sequentially input via the LAN controller (14). However, when the contents reproducing apparatus (10) functions as an IP telephone, the main CPU (16) becomes effectively a telephone. In the telephone mode, the main CPU (16) retrieves streaming data including speech from telephone packet signals being sequentially input via the LAN controller (14). When a telephone packet signal comes into the contents reproducing apparatus (10), the main CPU (16) shifts from the radio mode to the telephone mode. Upon completion of the phone call, the CPU (16) controls a pseudo-sound generating circuit (42) to stop outputting the incoming tone from a speaker (44). Thereafter, the telephone mode is switched to the radio mode again.

Boys, on the other hand, describes an Internet radio device having a dedicated Internet Protocol (IP) telephony mode that enables one-touch initiation and call connection of an IP telephone call to a recipient device. The internet radio includes IP telephony software application for enabling IP telephony, a modem for accessing and connecting to a data-packet-network, sound circuitry for facilitating audio conversion and transmission, and a programmable array of input indicia that enable one touch initiation and connection of an IP telephony call operating in the telephony mode. This input indicia includes selection buttons (51) that emulate the keypads of a traditional telephone and cellular phone, including digits 1 through 0 with corresponding alpha characters, a "star" button, a "pound" button, a "send" button, an "end"

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button, and a "clear" button.

Amended independent claim 1 now more particularly recites that upon the termination of the telephone voice signal, the content reproducing apparatus automatically reactivates the generating means without input by a user. That is, upon the termination of a phone call the present claimed invention switches over automatically to the radio mode (see, lines 1 - 8, page 10 of the applicants' specification for support). The applicants submit that the claimed invention, as now recited in claim 1, is not taught in Boys.

Accordingly, since not all of the claimed elements or features of the applicants' claimed invention, as now set forth in independent claim 1, are found in exactly the same situation and united in the same way to perform the identical function in the Boys apparatus, there can be no anticipation under 35 U.S.C. §102(b) of the applicants' claimed invention, as now set forth in independent claim 1, based on Boys.

Furthermore, claims 2 - 8 depend on claim 1, and further limit the scope of claim 1. Thus, at least for the reasons discussed above with respect to claim 1, claims 2 - 8 should now be similarly allowable.

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In view of the above, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(b) based on Boys (US 2001/0001303 A1) is in order, and is therefore respectfully solicited.

The applicants further point out that the Examiner relies on "paragraph 10" of Boys in meeting the applicants' claimed invention, as set forth in original claim 2.<sup>1</sup> However, no such teaching of original claim 2 can be found in "paragraph 10" of Boys. Accordingly, the applicants have added independent claim 9, which incorporates therein the language of original claims 1 and 2, and have amended claims 3 - 8 to also depend on claim 9.

It is respectfully requested that claim 9 and claims 3 - 8 (dependent on claim 9) should be similarly allowable.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

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<sup>1</sup> See, lines 1 and 2, page 3 of the outstanding Office Action.

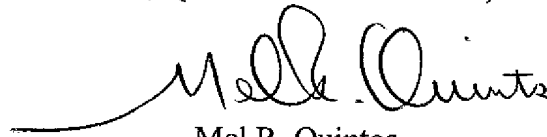
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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